

*filed  
in open  
court  
1/19/05*

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Case Number: 04-10246-PBS

UNITED STATES OF AMERICA	)
	)
	)
v.	)
	)
BRIAN TODD and	)
SHAUN TODD	)
	)


**JOINT MEMORANDUM PURSUANT TO L.R. 116.5(C)**


NOW COME the parties and hereby submit the within Joint Memorandum pursuant to L.R. 116.5 (C).

1. L.R. 116.5 (C)(1): Outstanding discovery issues exist. On October 20, 2004, the defense made discovery requests pursuant to L.R. 116.3(A). See Exhibit 1. The government has not responded to these discovery requests.
2. L.R. 116.5 (C)(2): See paragraph 1.
3. L.R. 116.5 (C)(3): Not applicable.
4. L.R. 116.5 (C)(4): The government has not requested a notice of alibi.
5. L.R. 116.5 (C)(5): The defense may file Motions In Limine with respect to some of the evidence, and, depending on resolution of discovery issues, the defendants reserve their right to file motions to sever, dismiss or suppress.
6. L.R. 116.5(C)(6): Not applicable.

7. L.R. 116.5(C)(7): The parties have discussed a resolution. Negotiations are ongoing.
8. L.R. 166.5(C)(8): All issues of excludable delay under the Speedy Trial Act have been resolved.
9. L.R. 166.5(C)(9): Four (4) to five (5) days.

Dated: January 19, 2005

  
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October 20, 2004

**IN HAND**

Donald L. Cabell, Assistant US Attorney  
UNITED STATES ATTORNEY'S OFFICE  
1 Courthouse Way, Suite 9200  
Boston, MA 02201

Re: **United States of America v. Todd, et. al**  
**Case Number: 04-10246-PBS**

Dear Attorney Cabell:

The defendants hereby request the following discovery pursuant to L.R. 116.3(A):

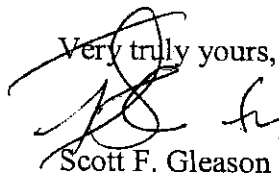
1. All Grand Jury minutes.
2. All reports and records relating to the investigation conducted by the FBI including, but not limited to, all FBI 302 reports and witness statements.
3. All videotapes relating to the alleged crime scene for the date in question.
4. All documents and materials relating to all activity at the ATM in question on the date of the alleged offense including, but not limited, to computer logs and videotapes.
5. All documents and materials relating to any and all deposits/withdrawals by Brinks Incorporated at the ATM on the date of the alleged offense.
6. All reports and records of any local police investigation into the alleged offense.
7. All documents and materials relating to the alarm code and combination to the drop safe on the date of the alleged offense and for three (3) months prior thereto including, but not limited to, any changes in the code or combination during that time period.

\*ADMITTED TO PRACTICE IN MASSACHUSETTS AND NEW HAMPSHIRE

EXHIBIT "1"

8. All documents and materials indicating the identity of any and all witnesses discovered by the Government and any and all statements of said witnesses, whether written or oral.
9. Any and all statements of the defendant, whether written or oral.
10. Any and all statements of Tanya Tinkham, whether written or oral.
11. Any and all records of prior convictions of any person the Government intends to call as a witness of trial.
12. Any and all personnel records of Brian Todd including, but not limited to, any and all documents and materials concerning his return of property to Brinks Incorporated after his separation from employment.

Thank you.

Very truly yours,  
  
Scott F. Gleason

SFG/mkf

cc: Clerk's Office